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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,441	08/17/2001	Richard A. Vaughan	EXIN117646	3493

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,441

**Applicant(s)**

VAUGHAN ET AL.

**Examiner**

Firmin Backer

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This is in response to a letter for patent filed on August 17<sup>th</sup>, 2001 in which claims 1-89 are presented for examination. Claims 1-89 are pending in the letter.

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-23 and 26-41 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” and therefore are found to be non-statutory subject matter. For a method claim to pass the muster, the recited method must somehow apply, involve, use, or advance the technological arts.

In the present case the inventive concept in claim 1-23 and 26-41 only recites an abstract idea. The recited obtaining an available inventory query ... do not apply, involve, use or advance

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the technological arts since all the steps can be performed in the mind of the user or by use of pencil and paper and no specific technology (e.g. computer, processor) is expressly recited in the body of the claims. *In re Toma (CCPA 197 USPQ 852 (1978))*.

Although the recited method produces a useful, concrete and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 1-23 and 26-41 deemed to be directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-89 rejected under 35 U.S.C. 102(e) as being anticipated by Dombroski et al (U.S. PG Pub. 2003/0023463).

4. As per claim 1, Dombroski et al teach a method for processing an available inventory item query corresponding to inventory defined by stock-keeping unit (SKU) information, the SKU information including at least one SKU record defining a first level of detail for the inventory item, and a SKU inventory record corresponding to the SKU record and defining a second level of detail for the inventory items, the method comprising: obtaining an available

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inventory query, the query including a set of criteria; determining at least one inventory item matching the query criteria, the inventory item corresponding to at least one SKU and SKU inventory record; and transmitting data associated with the matching SKU and SKU inventory records (*see abstract, figs 3, 5, paragraphs 00140019, 0068, 0092, 0093 and appendix A*) .

5. As per claim 2, Dombroski et al teach a method wherein determining at least one inventory item includes identifying all inventory items matching the query criteria, wherein each identified inventory item corresponds to a SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

6. As per claim 3, Dombroski et al teach a method wherein determining at least one inventory item includes applying a supplier limitation of use to select a corresponding SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

7. As per claim 4, Dombroski et al teach a method wherein determining at least one inventory item includes applying a consumer selection limitation of use to select a corresponding SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

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8. As per claim 5 and 13, Dombroski et al teach a method further comprising processing the data associated with the identified SKU and SKU inventory records prior to transmitting the data (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

9. As per claim 6-12, Dombroski et al teach a method wherein processing the data includes generating a price corresponding to the set of query criteria, ordered list of prices for one or more inventory items, applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

10. As per claim 14, Dombroski et al teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

11. As per claim 15-21, Dombroski et al teach a method wherein the query criteria include a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car type (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

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12. As per claim 22, Dombroski et al teach a method wherein the available inventory query is a user-specified, available inventory query (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

13. As per claim 23, Dombroski et al teach a method wherein the SKU information includes a SKU group record defining a third level of detail, and wherein the SKU and SKU inventory records correspond to the SKU group record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

14. As per claim 24, Dombroski et al teach a computer-readable medium having computer-executable instructions operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 3, 5, paragraphs 0039*).

15. As per claim 25, Dombroski et al teach a computer system having a processor, a memory, and an operating environment, the computer system operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 3, 5, paragraphs 0039*).

16. As per claims 26-89, they disclose the same inventive concept as claims 1-23. Therefore, they are rejected under the same rational.

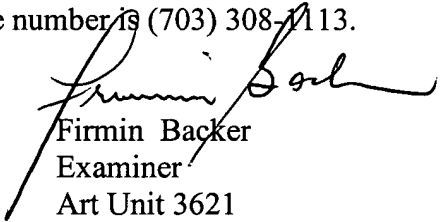
***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7113.

  
Firmin Backer  
Examiner  
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December 10, 2003